



**STEVEN
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ARCHITECT, PC

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February 11, 2020

Robert Silversmith, Esq.
Silversmith & Associates Law Firm, PLLC
39 Broadway, Suite 910
New York, New York 10006

RE: STV 7.3 33GoldSt(SC,C,M,1-7,R),MH- ADA Initial Report

Dear Robert,

As per your request, we have reviewed the complaint Civil Action No (1:19-cv-09674-JMF) brought against defendants (Harold Thurman, Brad Thurman, and 33 BRE Inc.) for the premises referenced above. The complaint alleges failure to comply with the American Disabilities Act of 1990.

The complaint references deficiencies in several sections of the ADA regulations, including failure to provide accessible access to the commercial units, accessible egress, deficiencies in signage, walking surfaces, and general "facilities and amenities". This report serves to preliminarily address the raised issues related to access, egress, and select amenities based on a preliminary field investigation of the premises from the exterior, review of the current Certificate of Occupancy (123327710F) available on the NYC DOB website, and reviewed relevant Alt #343/78 building plans by Wechsler, Grasso, Menziuso Architects, which established the present building configuration. Other issues raised in the complaint will be reviewed separately and addressed under a separate cover.

Alt #343/78 combined existing buildings under 1968 Building Code into the present day mixed use building with residential and commercial uses. Two floors of commercial units were designed to be accessed from Gold Street and Fulton Street via a system of exterior steps and "balconies" between the sidewalk and the entrances within an unenclosed arcade, also referenced as "concourse". The different elevations of the commercial units and the balconies relate to the floor level elevations of original construction. If the same application were filed today, the developer would need to remedy the inherent accessibility deficiencies for approval. However, the 1978 application predates the ADA regulations.

Present day commercial unit divisions differs slightly from the layout of Alt #343/78 and CO descriptions, but the access configuration remains the same. The commercial units referenced in the complaint are listed below. Additionally, we note an inconsistency in floor nomenclature in various drawings. For clarity, we will maintain consistency with existing CO, and reference the upper level of commercial spaces as "Cellar Mezzanine", and the lower level as "Cellar".

Affina Nail Spa is located at the Cellar Mezzanine level, and accessed via a balcony at approximately +3'9" above grade.

Asia Wok is located at the Cellar Mezzanine level, and accessed via a balcony at approximately +6'6" above grade.

Tandoor Palace is located at the Cellar Mezzanine level, and accessed via a balcony at approximately +6'6" above grade.

Mr. Rafaels Cleaners and Tailoring is located at the Cellar Mezzanine level, and accessed via a balcony at approximately +6'6" above grade.

Nycity Buyers is located at the Cellar level, and accessed via open steps down from the sidewalk to approximately -2'5" below grade.

Isaak Fulton Hair Cutter is located at the Cellar level, and accessed via open steps down from the sidewalk to approximately -2'5" below grade.

Bennie's Thai Café is located at the Cellar level, and accessed via lower concourse and open steps down from the sidewalk to approximately -2'5" below grade.

Wall Street Bath & Spa, also referred to as Physical Culture Establishment (PCE), is located at several levels below grade, with access via open steps down from the sidewalk to approximately -2'5" below grade.

My Opticians unit is believed to be replaced by Affina Salon. See above.

According to the drawings and our observations of the exterior conditions, the commercial units are located on three different levels both above and below the city sidewalk. The greatest change in level would require a ramp at least 78' long at the appropriate 1:12 slope. Such ramps would be obstructions to the entry, the stairs, and the city sidewalk circulation.

We are in the process of studying ramps and other avenues of remediation in terms of the available space, changes of level to be accommodated, and the structural framing which may permit or inhibit ramps or other manner of remediation.

See attached exhibits:

- Exhibit 1: Diagram of locations of units referenced in complaint
- Exhibit 2: Certificate of Occupancy 123327710F
- Exhibit 3: Excerpted "Lower Basement" aka Cellar layout from Alt #343/78
- Exhibit 4: Excerpted "Upper Basement" aka Cellar Mezz layout from Alt #343/78
- Exhibit 5: Excerpted "Subcellar" from Alt #343/78

Sincerely,



Steven Kratchman, AIA
Steven Kratchman Architect, P.C.

Exhibit 1:
Diagram of locations of units referenced in complaint

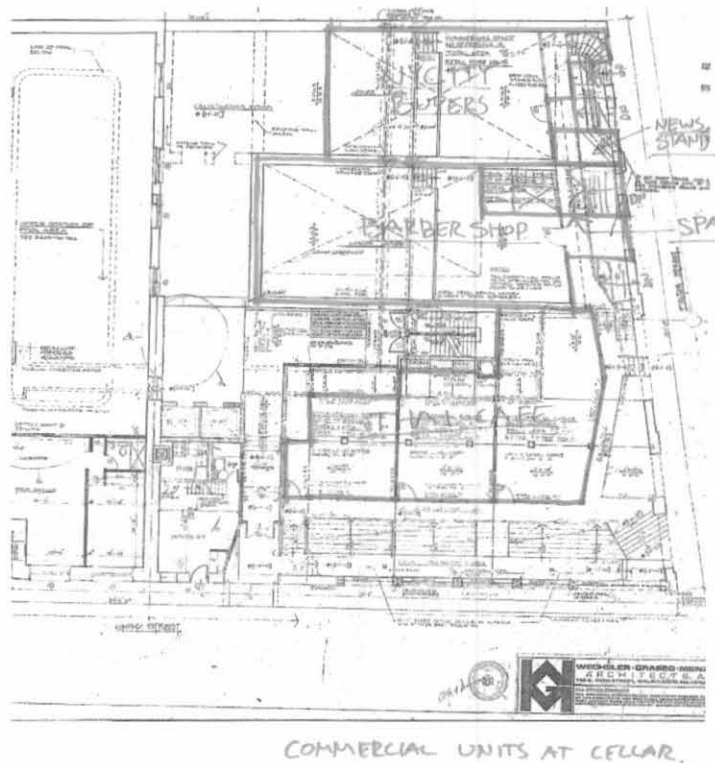
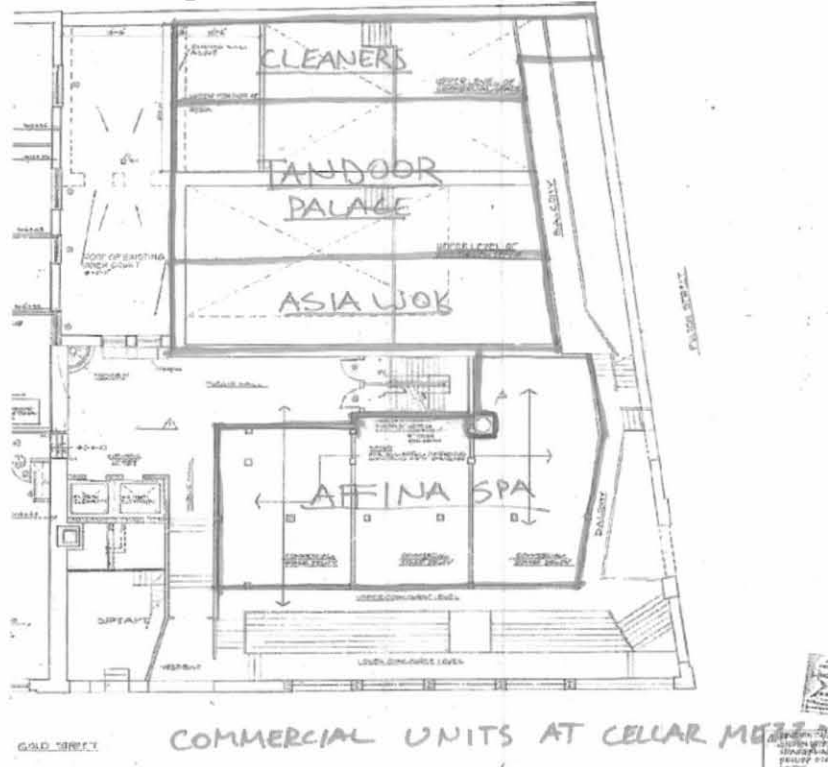


Exhibit 2:
Certificate of Occupancy 123327710F



Certificate of Occupancy

Page 2 of 4

CO Number: 123327710F

Permissible Use and Occupancy						
All Building Code occupancy group designations below are 2008 designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL		100	A-3 M B		9, 6, 4	SWIMMING POOL, OFFICES COMMERCIAL (2) MEDICAL OFFICES
CEL		100	F-2			BOILER ROOM
SUB		OG	A-3		9	PHYSICAL CULTURE ESTABLISHMENT, MALE/FEMALE LOCKERS, HANDBALL COURTS, SAUNA, STEAM ROOM, EXERCISE ROOM, STORAGE (2) PRIVATE RECEPTION ROOM W?APT ABOVE, COMPACTOR ROOM.
ME Z		100	M		6	COMMERCIAL (CEL MEZ)
ME Z		40	R-2	17	2	SEVENTEEN (17) CLASS "A" APARTMENTS (CEL MEZ)
MZ1		40	R-2	6	2	TWELVE ONE-HALF (1/2) CLASS "A" APARTMENTS
MZ2		40	R-2	6	2	TWELVE ONE-HALF (1/2) CLASS "A" APARTMENTS
MZ3		40	R-2	2	2	FOUR ONE-HALF (1/2) CLASS "A" APARTMENTS
MZ4		40	R-2	6	2	TWELVE ONE-HALF (1/2) CLASS "A" APARTMENTS
MZ5		40	R-2	6	2	TWELVE (12) ONE-HALF (1/2) CLASS "A" APARTMENTS
MZ6		40	R-2	11	2	TWENTY-TWO ONE-HALF (1/2) CLASS "A" APARTMENTS
001		40	R-2	15	2	FIFTEEN (15) CLASS "A" APARTMENTS

Borough Commissioner

Commissioner

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Exhibit 3:
Excerpted "Lower Basement" aka Cellar layout from Alt #343/78

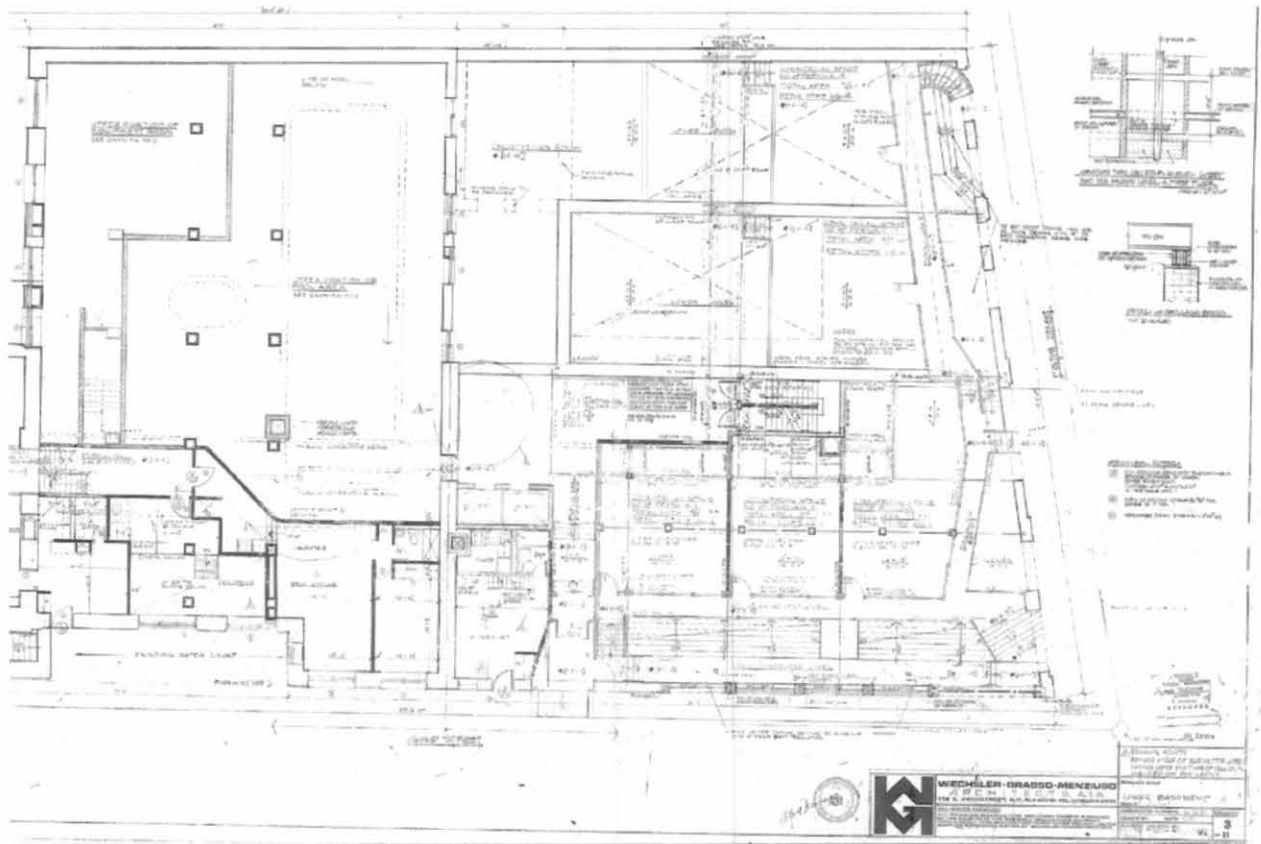


Exhibit 4:

Excerpted "Upper Basement" aka Cellar Mezz layout from Alt #343/78

